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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,279	07/19/2000	Ikuo Nakano	49975(904)	2217

21874 7590 10/20/2004

EDWARDS & ANGELL, LLP  
P.O. BOX 55874  
BOSTON, MA 02205

EXAMINER

BATTAGLIA, MICHAEL V

ART UNIT PAPER NUMBER

2652

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/619,279

Applicant(s)

NAKANO, IKUO

Examiner

Michael V Battaglia

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6,7,10-19,22-36 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-19,22-36 and 38-40 is/are allowed.
- 6) ☒ Claim(s) 6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action, dated October 12, 2004, is in response to the Request for Continued Examination, filed September 3, 2004. Claims 1-5, 9, 20, 21 and 37 have been cancelled. Claims 6, 7, 10-19, 22-36 and 38-40 are pending.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Katayama (US 5,875,167). Katayama discloses a lens comprising a plane surface (Figs. 16A and 16B, element 40) whose normal direction virtually conforms to an optical axis direction, said plane surface being provided with a reflecting part (Figs. 16A and 16B, element 41) for reflecting only light within a predetermined waveband and for transmitting light outside the predetermined waveband (Col. 16, lines 11-14).

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuda et al (hereafter Okuda) (US 5,883,709) in view of Katayama.

In regard to claim 6, Okuda discloses a lens (Figs. 5 and 6, element 1) comprising a plane surface (Figs. 5 and 6, element 3) whose normal direction virtually conforms to an optical axis direction (Fig. 6, element O1). Okuda does not disclose that said plane surface is provided with a reflecting part for reflecting only light within a predetermined waveband and for transmitting light outside the predetermined waveband. However, the plane surface of Okuda is provided with a reflecting part for reflecting inclination monitoring light (Figs. 5 and 6). Because the lens of Okuda is used as an objective lens to record to and reproduce from an optical disc (Col. 1, lines 7-21 and Col. 4, lines 59-63), recording and reproducing light must be able to be transmitted through the objective lens to focus on the optical disc. Okuda does not disclose how this is accomplished.

Katayama discloses a reflecting part (Figs. 16A and 16B, element 41) for reflecting only light within a predetermined waveband and for transmitting light outside the predetermined waveband (Col. 16, lines 11-14). Katayama uses the reflecting part, which is a dielectric multilayer film, to reflect certain light while allowing other light to be transmitted through.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the dielectric multilayer film of Katayama as the reflecting part of Okuda, the motivation being to reflect certain light, which is inclination monitoring light, from the lens of Okuda while allowing other light, which is recording and reproducing light, to be transmitted through in a manner known in the art.

In regard to claim 7, Okuda discloses that said plane surface is formed at a circumference of said lens (Figs. 5 and 6), and said reflecting part is formed on a surface of a lens functioning

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section (Figs. 5 and 6, element 2) as well as on said plane surface (Figs. 5 and 6), said lens functioning section acting as a lens at an inner radius of said plane surface (Figs. 5 and 6).

*Citation of Relevant Prior Art*

3. Ju et al (US 5,974,020) discloses an objective lens having a surface coated to decrease the aperture for certain light while allowing the aperture to remain the same for other light (Fig. 2 and Col. 2, lines 50-56).

*Allowable Subject Matter*

4. Claims 10-19, 22-36 and 38-40 are allowable over the prior art of record.

In regard to claim 10, none of the references of record alone or in combination disclose or suggest an optical pickup device comprising: a plurality of lenses disposed along an optical axis, one direction along said optical axis being a forward direction and the other direction along said optical axis being a backward direction, each of said plurality of lenses (a) being larger in diameter than the lenses disposed forwardly along said optical axis relative thereto, and (b) having a plane surface on a surface thereof that faces in said forward direction, **said plane surface being disposed virtually perpendicular to said optical axis and being for reflecting light entering from a front side thereof.**

In regard to claim 30, none of the references of record alone or in combination disclose or suggest a method for detecting lens inclination, in which parallel light is emitted to a lens and inclination of the lens is detected based on light reflected therefrom, said lens including a plane surface at least at a circumference thereof and a lens functioning section, said plane surface having a normal direction virtually conforming to an optical axis direction, and said lens functioning

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section having an area perpendicular to said optical axis direction defined by an inner radius of said plane surface, said method comprising the step of, upon detecting inclination, **preventing the parallel light from entering a said lens functioning section by using a light-shielding member having a light-shielding area that corresponds to said area of said lens functioning section.**

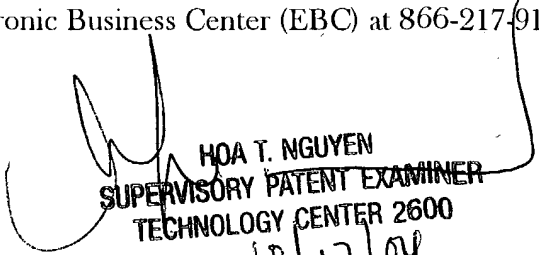
### *Response to Arguments*

5. Applicant's arguments with respect to claims 6 and 7 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V Battaglia whose telephone number is (703) 305-4534. The examiner can normally be reached on 5-4/9 Plan with 1st Friday off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

  
Michael V. Battaglia

  
HOA T. NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600  
10/17/04